

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

6/30/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00596SOM
CASE NAME: USA vs. James Kim
ATTYS FOR PLA: Kenneth Sorenson
ATTYS FOR DEFT: Michael McDonnell
Ellie Asasaki (USPO)

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 6/30/2006

TIME: 9:00 - 9:35

COURT ACTION: EP: Sentencing to the Indictment; Government's Motion for Downward Departure -

Defendant James Kim present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Government's Motion for Downward Departure - Granted.

ADJUDGED:

Imprisonment: 63 Months.

Supervised Release: 4 Years.

Special Assessment: \$100.00.

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- > That the defendant shall participate in an approved program for domestic violence.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Government requests that the Court seal portions of the transcript of this hearing -
Granted in part.

The sealed portions of the transcript to be unsealed when the defendant self surrenders to the designated facility.

JUDICIAL RECOMMENDATIONS: 1) Facility that has the 500 Hour Comprehensive Drug Treatment Program; 2) 500 Hour Comprehensive Drug Treatment Program.

Defendant advised of his right to appeal.

Mittimus stayed until 9/29/06.

Defendant to self surrender on 9/29/06 @ 10:00 a. m. at the facility designated by the BOP.

The time is the time at the facility.

Submitted by: Toni Fujinaga, Courtroom Manager.